

Amendments to the Drawings

The amendments to the drawings, and in particular to Figures 1-3, are responsive to the objection thereto as noted on page one (1) of the Office Action. The objection exists, as was learned from a telephonic inquiry to the Examiner, because of the informality of the drawings as originally filed.

Accordingly, attached hereto are three (3) replacement sheets, each containing Figures 1-3, respectively. Appropriate amendment is believed to have been provided, and which is includes more suitable depiction and enlargement of the subject matter represented by each of the Figures.

Attachment: Replacement Sheets (for Figures 1-3)

REMARKS

As noted herein, the drawings have been amended to provide more suitable depiction and enlargement of the subject matter therein. Applicants note their appreciation for the Examiner's time in discussing this aspect of the Office Action.

Regarding the claims, claims 1-13 are pending. Claims 4-8 and 11 have been amended. Paragraph [0006] of Applicants' Patent Application Publication No. 2004/0027271 provides support therefor. Reconsideration of the subject application in view of this Paper is respectfully requested.

The Office Action states that claims 1-2, 3-7 and 9-13, which encompass each of the independent claims 1, 4, 9 and 11, are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0170001 to Breen. It is further stated that claims 3 and 8 are rejected as being unpatentable over Breen in view of Official Notice taken by the Examiner.

Breen, generally throughout, and namely in paragraphs [0028] – [0033] which are cited in the Office Action, discloses a method and apparatus for the collection and transmission of program identifying (PI) information. Paragraph [0052] provides that “[i]f desired, the device [sic] can . . . include . . . a GPS receiver . . . which adds location information in association with the received PI information”.

As recited in each of the pending claims, Applicants have provided a system and method enabling radio frequency (RF) proximity detection and identification. A feature allowing such a system and method is the “modulati[on of] an RF signal to a preset modulation frequency”. More specifically, as recited in paragraph [0018] of Applicants’ Patent Application Publication, the system and method including such feature enables identification of a “. . . particular PPM that is present with [a] predetermined radius”.

Breen, conversely, makes mere reference to a combination PPM and cellular telephone device 20 which can add the GPS information, as mentioned above, and transmit “location-identifying (“LI”) code” along with PI information, see claim 3. Breen fails to disclose, in any manner and despite statements contained in the Office Action, the association of a “preset modulation frequency” for use in determining the proximity and identification of a radio frequency. Consequently, it is respectfully submitted that the statement that Breen anticipates the claims as referenced above is misguided, and thus should be withdrawn. Additionally, in view thereof, it is respectfully submitted that the statement of obviousness as referenced above is no longer appropriate.

Accordingly, it is kindly submitted, for all of the reasons presented, that rejection of the claims and other objection(s) is/are no longer proper in view of this Paper; thus, it is kindly requested that such be withdrawn.

It is respectfully submitted that the claims pending in the subject application are in condition for allowance. Accordingly, reconsideration of the application and allowance thereof are respectfully requested. If the Examiner believes that an interview would expedite

consideration of this Amendment or of the application, the Examiner is invited to telephone the undersigned directly by calling (212) 790 – 9278.

The Director is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16-1.17 which may be required by Papers filed in this application to Deposit Account No. 03-3415.

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Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Mail Stop Amendment, Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450, on

May 9, 2007
Date of Deposit
Brian H. Buck
Name of Person Signing
Buck, Reg. 48,776
Signature
May 9, 2007
Date of Signature